IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:)	Examiner: PATRICK A. DARNO
Albert H.F. DE HEER et al.)	Group Art Unit: 2169
Serial No. 09/626,347)	Confirmation No.: 8436
Filed: July 26, 2000)	
For: METHODS AND APPARATUS FOR)	Electronically filed on May 19, 2009
CATALOG DATA CAPTURE,)	
STORAGE AND DISTRIBUTION)	

APPEAL BRIEF

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Appeal Brief is submitted in support of the appeal proceedings instituted by a Notice of Appeal filed March 24, 2009 and is in response to claims being twice rejected; the latest rejection in the final Office Action of February 5, 2009 in connection with the above-identified patent application. Pursuant to 35 U.S.C. § 134 and 37 C.F.R. § 1.192, Appellants submit this Appeal Brief and respectfully request that the Board of Patent Appeals and Interferences reverse the rejections.

I. REAL PARTY IN INTEREST

CBS Interactive Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are presently no appeals or interferences known to the Appellants, the Appellants' representative, or the assignee, which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III.   STATUS OF CLAIMS

Claims 1-9 and 11-24 are currently pending in the application. This Appeal is taken from rejection of Claims 1-9 and 11-24, as submitted in the Claims Appendix included herewith.

IV.   STATUS OF AMENDMENTS

No amendments have been made to the claims since receipt of the final Office Action mailed February 5, 2009 ("the final Office Action").

V.   SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 of the present application recites a data structure of a database for use in capturing product data by inputting and storing the product data in the database, the data structure of the database being based on a data model having one or more classes, wherein each of the classes has one or more associated categories, the data structure being embodied in a computer readable medium and comprising: at least one class definition, each class definition being arranged to identify one or more associated categories of products; a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category; a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category; and a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model; wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model.

Additionally, independent Claim 8 of the present application recites a data structure suitable for use in capturing product data by inputting and storing the product data for a plurality

of products, the product data being suitable for use in an electronic catalog, the products being classified according to a data model having one or more classes, wherein each of the classes is arranged to identify one or more associated categories of products and each of the categories is arranged to identify an associated attribute group having one or more attributes for a product category, each attribute having an associated possible value list for facilitating input and storing of product data into the database, each value list having a plurality of predetermined values that are selectable during input and storage of product data as a value for the associated attribute of a product classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model, the data structure being embodied in a computer readable medium and comprising: a plurality of system SKUs, each system SKU being arranged to identify one of the plurality of products; a plurality of manufacturer SKUs, each manufacturer SKU being associated with one of the plurality of system SKUs; an attribute table in which selected attributes for each of the products are stored, each of the selected attributes being identified by the system SKU corresponding to the product being classified and stored in the database according to the data model and having at least one of the values from the associated possible value list; and a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, the customer being a retailer, reseller, manufacturer, or distributor that has requested the product data.

Further, independent Claim 18 of the present application recites a system for capturing product data for an electronic product catalog comprising: a database for input and storage of product data, the database being embodied in a computer readable medium and having a data structure based on a data model having one or more classes, each of the classes having one or more associated categories, the data structure including: at least one class definition, each class definition being arranged to identify one or more associated categories of products; a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category; a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category; and a data capture tool with a use interface for allowing input and storage of product data into the database, the data capture tool including a plurality of possible

value lists for facilitating input and storing of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data; wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as follows:

The Examiner rejected Claims 1-5, 8, 9, 11-14, 18-21 and 24 under 35 U.S.C. § 103(a) as being obvious based on U.S. Patent No. 5,740,425 to Povilus (hereinafter "Povilus"), in view of U.S. Patent Application Publication No. 2003/0130905 to Foster, et al. (hereinafter "Foster"). Claims 6, 15, and 22 have been rejected as being obvious based on Povilus in view of Foster, and further in view of U.S. Patent Application Publication No. 2003/0097211 to Carroll, et al. (hereinafter "Carroll"). The Examiner rejected Claims 7, 16, 17 and 23 under 35 U.S.C. § 103(a) as being obvious based on Povilus in view of Foster, and further in view of U.S. Patent Number 6,182,275 to Beelitz, et al. (hereinafter "Beelitz").

VII. ARGUMENTS

A. The Rejection of Claims 1-5, 8, 9, 11-14, 18-21 and 24 under 35 U.S.C. § 103(a) as Being Obvious based on Povilus in view of Foster, Should Be REVERSED.

Claims 1-5, 8, 9, 11-14, 18-21 and 24 have been rejected under 35 U.S.C. § 103(a) as being obvious based on Povilus in view of Foster.

"The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness ... The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious". *(MPEP § 2142).* The analysis in support of an obviousness rejection under 35 U.S.C. § 103 should be

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made explicit. *(MPEP § 2142,* citing *KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007)).*

Appellants respectfully submit that a theoretical combination of Povilus and Foster does not teach or suggest the data structure claimed in Claim 1. The data structure recited in Claim 1 is a data structure of a database for use in capturing product data by inputting and storing the product data in the database, and includes, among other things, at least one class definition, and a plurality of category definitions. Claim 1 also recites "a plurality of attribute group definitions element, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category." Claim 1 also recites "a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model; wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model."

The Examiner acknowledged on pages 3 and 4 of the final Office Action that:

> "Povilus does not explicitly disclose:
> a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model;
> wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model".

The Examiner added that: "[h]owever, Foster discloses:

> a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of

predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model *(Foster: see paragraph [0024], [0025], [0033], [0035], lines 11-15, and [0066]);*

wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model *(Foster: see paragraph [0024], [0025], [0033], and [0066]).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Povilus with the teachings of Foster noted above. The skilled artisan would have been motivated to improve the teachings of Povilus per the above such that product data could be inputted through the use of a drop-down menu *(Foster: paragraph [0033])*, thereby making the input of data into a computer system more efficient and reliable". (final Office Action, pages 3 and 4). (Italics in original).

Further, on page 11 of the final Office Action, the Examiner stated, in response to prior arguments of Appellants, that:

"The Examiner's position is that the 'pull-down' menus disclosed by Foster are the equivalent of the 'possible value lists' claimed by the Applicant. Specifically note that Foster recites, '...**all product information** is inputted initially through the product editor 20, **selected through the product menu 22**' [Foster: paragraph [0033], lines 1-3]. Foster continues to say that such product menus 'may be implemented using standard pull-down type with nesting sub-menus or similar menu structure' [Foster: paragraph [0033], lines 4-6].

The Examiner asserts that all the items contained on the drop-down menus comprise at least a subset of possible values that may be input for a given product. It therefore, follows that such a grouping of items presented in the drop-down menu can naturally be referred to as 'a possible value list'.

Further note that the drop-down menus are presented via a user interface [Foster: paragraph [0033], lines 6-8] and that the options from the drop-down are 'selected' [Foster: paragraph [0033], lines 1-3]. Therefore, it appears reasonable to conclude that the options or values on the drop-down list are user-selectable". (final Office Action, pages 11-12). (Emphasis in original).

Appellants respectfully submit that Foster teaches a product editor that allows the input of product information, e.g., see Paragraph [0033]; however, Foster, inter alia, does not teach or suggest "a plurality of possible value lists", the plurality of value lists "for facilitating input and storage of product data into a database", as claimed in Claim 1. It is respectfully submitted that

Foster teaches selecting an attribute, e.g., size, and color, and inputting all values for that attribute – "[i]nformation such as products, subproduct types, colors, palettes, palette colors, patterns, pattern colorways and colorway colors, sizes, size scales and size ranges, dimension, dimension scales and dimension ranges that any product [sic] can be established through the product editor 20." (Paragraph [0033]). (Emphasis added). Appellants respectfully submit that Foster leaves out words between product and can, as noted by [sic] above. Appellants respectfully submit that Foster does teach "[r]eferring to FIG. 6, an exemplary table relationship diagram for the product editor 20 is shown. In an exemplary embodiment, the user begins with the inputting of basic product information such as sizes, dimensions, colors, etc. that any product may be offered in. Input may be accomplished through use of an input device, such as a keyboard 40 or mouse 42, as discussed earlier herein. This information is provided and stored in a series of tables as described below. In an exemplary embodiment, the majority of product information is provided by the user but in alternative embodiment, at least a portion of the information may already be present in the merchandising system". (Paragraph [0042]). (Emphasis added).

Thus, Appellants respectfully submit that Foster in paragraph [0033] and otherwise merely teaches selecting an attribute and inputting all values that any product may be offered in for that attribute through the product editor 20. Appellants respectfully submit therefore, that Foster teaches a user selects an attribute and the user inputs all values for that selected attribute, as taught in Foster, (e.g., Paragraphs [0042], [0033] as argued above). In other words, it is respectfully submitted that, according to Foster, the attribute is what is selected, and all values for that selected attribute are what is input, using the product editor. Appellants respectfully submit, therefore, that Foster does not teach a selection of possible values for the attribute during input and storage of product data, as claimed in Claim 1; rather, Foster teaches, entry, for a selected attribute, of all values which a product "may be offered" in for that selected attribute. Therefore, Appellants respectfully submit that the selection by a pull down menu in Foster is of the attribute for which values are to be entered, and does not teach possible values for the attribute during input and storage of product data, where each possible value list had a plurality of predetermined user selectable values that are selectable during input and storage of product data a value for an attribute of a product being classified ...", as claimed in Claim 1. Further,

Appellants respectfully submit that Povilus and Foster, either singly or in any theoretical combination, do not teach or suggest a plurality of possible value lists, ... each possible value list had a plurality of predetermined <u>user selectable values that are selectable</u> during input and storage of product data a value for an attribute of a product being classified ...", as claimed in Claim 1.

For all of the above reasons, Appellants respectfully submit that the rejection Claim 1 is non-obvious based on Povilus in view of Foster; and therefore the rejection of Claim 1 is in error and should be reversed.

Claims 2-5 depend from Claim 1 and are respectfully submitted as allowable for the reasons advanced for Claim 1; therefore the rejection of Claims 2-5 is also in error and should be reversed.

Claim 18 is system claim generally corresponding to Claim 1. The Examiner rejected Claim 18 for the same reasons set forth in the rejection of Claim 1. Appellants respectfully submit that Claim 18 is non-obvious based on Povilus in view of Foster for the same reasons advanced for Claim 1; therefore, the rejection of Claim 18 under 35 U.S.C. § 103(a) is also in error and should be reversed.

Claims 19-21 and 24 depend from Claim 18 and are respectfully submitted as allowable for the reasons advanced for Claim 18; therefore the rejection of Claims 19-21 and 24 is also in error and should be reversed.

Further regarding Claim 3, the Examiner rejected Claim 3 "on corresponding to the reasons given for rejected claims 1-2 and are similarly rejected including the following: -- ***Povilus*** teaches "possible value list is combined with each one... a normalized value" *(Povilus: col. 19, lines 15-27).* (final Office Action, pages 3-4). (Emphasis in original). The Examiner also stated, regarding Appellants argument in a prior response, that "Povilus takes data items stored in a data structure and combines or converts the data times using techniques of data massaging and normalization. (Col. 19, lines 15-27)". (final Office Action, page 14). Appellants respectfully submit that Povilus merely refers in this portion referenced by the Examiner, (Col. 19, lines 15-27), to a "<u>normalized base SKU table</u>" 331 in FIG. 18. (See Col. 19, lines 16-28). It is respectfully submitted that a "normalized base SKU table" in Povilus does not teach or suggest a normalized <u>possible value-unit combination</u>; and does not teach or suggest a

normalized possible value-unit combination where the possible value-unit combination is created by combining each one of the values in the possible value list with each one of the units in an associated possible unit list for one of the attributes, as claimed in Claim 3. Appellants respectfully submit that Povilus and Foster, either singly or in any theoretical combination, do not teach or suggest the normalized possible value-unit combination; where the possible value-unit combination is created by combining each one of the values in the possible value list with each one of the units in an associated possible unit list for one of the attributes, and each possible-value combination is normalized, as claimed in Claim 3. For this additional reason, Appellants respectfully submit that Claim 3 is non-obvious based on Povilus in view of Foster. Therefore, Appellants respectfully submit that, on this additional basis, the rejection of Claim 3 under 35 U.S.C. § 103(a) is also in error and should be reversed.

Further regarding Claim 4, the Examiner rejected Claim 4 "on corresponding to the reasons given for rejected claims 1-2 and are similarly rejected including the following: -- **_Povilus_** teaches "possible value list is combined with each one... a normalized value" *(Povilus: col. 19, lines 15-27).* (final Office Action, pages 3-4). (Emphasis in original). Appellants respectfully submit that Povilus merely refers in the portion referenced by the Examiner, (Col. 19, lines 15-27), to a "normalized base SKU table" 331 in FIG. 18. (See Col. 19, lines 16-28). Appellants respectfully submit that a "normalized base SKU table" in Povilus, and other teachings in Povilus and Foster do not teach or suggest "a multi-value indicator" as claimed in Claim 4 such that "each attribute is associated with a multi-value indicator that indicates that more than one of the values in the associated possible value list are selectable during input and storage of product data as values for the associated attribute for the product being classified and stored in the database according to the data model when the multi-value indicator is in a predefined state". For this additional reason, Appellants respectfully submit that Claim 4 is non-obvious based on Povilus in view of Foster. Therefore, Appellants respectfully submit that, on this additional basis, the rejection of Claim 4 under 35 U.S.C. § 103(a) is also in error and should be reversed.

Claim 20 is system claim generally corresponding to Claim 4. The Examiner rejected Claim 20 for the same reasons set forth in the rejection of Claim 4. For at least all of the above reasons for Claim 4, Appellants respectfully submit that Claim 20 is non-obvious based on

Povilus in view of Foster; therefore, the rejection of Claim 20 is in error and should be reversed.

Further regarding Claim 5, the Examiner stated that "Claim 5 is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following: **Povilus** teaches attributes associated with a data capture priority indicator that assigns priorities...' (Povilus: see col. 14, line 66-column 15, line 7, whereas Povilus' inheritance block with attributes incorporate an order or priority of attributes associated with the different blocks, therefore teach attributes with a priority that assigns priorities as taught by the applicant above.)". (final Office Action, page 5). (Emphasis in original). The Examiner rejected Claim 21 for the same reason as in the rejection of Claim 5. (final Office Action, page 7).

Claim 5 recites: "The data structure as recited in claim 1, wherein each of the attributes is associated with a data capture priority indicator that assigns priorities to at least some of the one or more attributes for capture of product data for the attributes in accordance with the assigned priorities". Appellants respectfully submit that Povilus col. 14, line 66-column 15, line 7, cited by the Examiner, specifically recites: "A Genus 190 inherits all the behaviors of a Source 188, only it must be associated to at least one trunk. A Genus 190 differs from a Source 188 in that it is the embodiment of a single characteristic that may be possessed by products, subject to enforced navigation behaviors. A Genus 190 also differs from a Source 188 in that it can have associated Differentia 178. In the above-described example, the liquid node 112 (FIG. 3) is an example of a Genus 190." Appellants respectfully submit that neither this section of Povilus, or elsewhere, contains any teaching or suggestion of "a data capture priority indicator" or "a data capture priority indicator that that assigns priorities to at least some of the one or more attributes for capture of product data for the attributes in accordance with the assigned priorities", as claimed in Claim 5. It is also respectfully submitted that, Povilus and Foster, either singly or in any theoretical combination, do not teach or suggest a data capture priority indicator" or "a data capture priority indicator that that assigns priorities to at least some of the one or more attributes for capture of product data for the attributes in accordance with the assigned priorities", as claimed in Claim 5.

Further regarding Claim 5, Appellants respectfully submit that Povilus does teach "a data structure of the present invention include four different types of blocks for representing different

types of data structure elements" (Col. 13, lines 44-45) and "[w]hen two or more blocks are shown overlapping one another, this represents an Inheritance in which the underlying blocks inherit all the attributes and behaviors of the overlying block in addition to having their own. For example, in FIG. 10, blocks 172 and 178 inherit all the attributes and behaviors of block 170, in addition to having their own". (Col. 14, lines 13-18). However, Appellants respectfully submit that blocks representing different types of data structure elements, even if they inherit attributes of other blocks, do not teach or suggest "a data capture priority indicator" or limitations regarding same, as claimed in Claim 5.

For all of the above additional reasons, Appellants respectfully submit that Claim 5 is non-obvious based on Povilus in view of Foster; therefore, on this additional basis, the rejection of Claim 5 under 35 U.S.C. § 103(a) is also in error and should be reversed. Claim 21 is system claim generally corresponding to Claim 5. The Examiner rejected Claim 21 for the same reasons set forth in the rejection of Claim 5. For all of the above reasons regarding Claim 5, Appellants respectfully submit that Claim 21 is non-obvious based on Povilus in view of Foster; therefore, the rejection of Claim 21 is in error and should be reversed.

Regarding Claim 8, the Examiner rejected Claim 8 "on grounds corresponding to the reasons above for rejected claim 1 and is similarly rejected including the following: ***Povilus*** teaches "a plurality of manufacturer SKUs... SKU system..." *(Povilus: see col. 6, lines 47-67)* "a customer mapping table that maps each system SKU to a customer..." *(Povilus: col. 22, lines 20-67)."* (final Office Action, page 5). (Emphasis in original). In addition, regarding one of Appellants arguments in a prior response, the Examiner stated that:

> "It appears that Povilus clearly discloses a system SKU [Povilus: column 6, lines 47-67], a customer SKU [Povilus: column 21, lines 61-64; Note specifically the addition of additional characters to a base product SKU that is based upon an existing manufacturer's printed binder handles. This "exploded" SKU is the customer SKU.], and a customer mapping table that maps the system SKU to the customer SKU [Povilus: column 23, line 35 and column 23, lines 56-58 and column 22, lines 20-67]. All other limitations of claim 8 have been adequately disclosed in the rejection of claim 1." (final Office Action, page 15).

Appellants respectfully submit that, although Povilus teaches creating a normalized SKU

table 331 in a process undertaken independently for each manufacturer who makes products within the realm of interest (see Col. 19, lines 15-19), there is no teaching in Povilus of customer SKUs, i.e., SKUs for customers where the customer is a retailer, reseller, manufacturer, or distributor that has requested the product data, or mapping system SKUs to customer SKUs, as claimed in Claim 8. Therefore, Appellants respectfully submit that Povilus does not teach or suggest a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, as claimed in Claim 8. It is respectfully submitted that such mapping of customer SKUs, where the customer is a retailer, reseller, manufacturer, or distributor that has requested the product data, and system SKUs, as claimed in Claim 8, is not taught or suggested in Povilus. Moreover, Appellants respectfully submit that Povilus and Foster, either singly or in any theoretical combination, do not teach or suggest a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, as claimed in Claim 8. For all of the above additional reasons, Appellants respectfully submit that Claim 8 is non-obvious based on Povilus in view of Foster. Therefore, it is respectfully submitted that, on this additional basis, the rejection of Claim 8 under 35 U.S.C. § 103(a) is also in error and should be reversed.

Claim 9 and 11-14 depend from Claim 8 and are respectfully submitted as allowable for at least the reasons advanced for Claim 8; therefore the rejection of Claims 9, and 11-14 is also in error and should be reversed.

Further regarding Claim 24, the Examiner rejected Claim 24 for the same reasons set forth in the final Office Action for Claims 1 and 8. (final Office Action, page 7). Appellants respectfully submit that Claim 24 is non-obvious based on Povilus and Foster for the same reasons given above for Claims 1 and 8; therefore, the rejection of Claim 24 is in error and should be reversed.

B. The Rejection of Claims 6, 15, and 22 under 35 U.S.C. § 103(a) as Being Obvious based on Povilus in view of Foster and further in view of Carroll Should Be REVERSED.

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Claim 6 recites: "[t]he data structure as recited in claim 1, further including: a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale".

The Examiner acknowledged in the final Office Action that the combination of Povilus and Foster fails to explicitly disclose a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale. (final Office Action, page 7). The Examiner added that, "[h]owever, Carroll discloses a possible countries table specifying one or more countries that are selectable during input *(Carroll: paragraph [0042] and Fig. 3a - 3c)* and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale *(Carroll: paragraph [0042]))."* (final Office Action, page 7). (Italics in original).

The Examiner stated with regarding to arguments in Appellants' prior response that Carroll "simply discloses wherein the data set forth in a list for selection is a list of countries [Carrol: paragraphs [0041], [0042], and [0043]]. As a result, the combination of Povilus, Foster, and Carrol appears to disclose each and every element of claim 6." (final Office Action, page 16). Appellants respectfully disagrees. Appellants respectfully submit that the country list for downloading a vehicle alignment specification, as taught in Carroll, does not teach or suggest "a possible countries table specifying one or more countries that are <u>selectable during input and storage of product data</u> ...", as claimed in Claim 6. (Emphasis added). Moreover, Appellants respectfully submit that there is no predictable result for using the teaching in Carroll of the list of countries, for use for selection during input and storage of product data - instead Carroll teaches use of list to select country for which the user wishes to get a vehicle alignment spec (see Carroll paragraphs [0041] – [0043], <u>not</u> for inputting product data, and thus it is not predictable what the result even if the teachings of Carroll could theoretically be combined with the teachings in Povilus and Foster. Appellants respectfully submit that Povilus, Foster, and Carroll, either singly or in any theoretical combination, do not teach or suggest a possible countries table specifying one or more countries that are selectable during input and storage of product data ...", as claimed in Claim 6. For the above reasons, Appellants respectfully submit that Claim 6 is

non-obvious based on Povilus in view of Foster and further in view of Carroll; therefore, the rejection of Claim 6 is in error and should be reversed.

Claim 22 is system claim generally corresponding to Claim 6. The Examiner rejected Claim 22 for the same reasons set forth in the rejection of Claim 6. (final Office Action, page 8). For the same reasons as given above for Claim 6, Appellants respectfully submit that Claim 22 is non-obvious based on Povilus in view of Carroll; therefore, the rejection of Claim 22 under 35 U.S.C. § 103(a) should be reversed.

Further regarding Claim 15, the Examiner rejected Claim 15 for the same reason set forth for Claims 1, 6, and 8. (final Office Action, page 8). The Examiner stated regarding arguments in Appellants' prior response that Carroll "simply discloses wherein the data set forth in a list for selection is a list of countries [Carrol: paragraphs [0041], [0042], and [0043]]". (final Office Action, page 16). However, Claim 15 recites "[t]he data structure as recited in claim 8, further including: a country table specifying one or more countries for which each product classified and stored in the database according to the data model is adapted for sale". It is respectfully submitted that the country list for downloading a vehicle alignment specification, as taught in Carroll, does not teach or suggest a country table specifying one or more countries <u>for which each product [is] classified and stored in the database according to the data model is adapted for sale</u>, as claimed in Claim 15. Appellants respectfully submit that Povilus, Foster, and Carroll, either singly or in any theoretical combination, do not teach or suggest a country table specifying one or more countries for which each product [is] classified and stored in the database according to the data model is adapted for sale, as claimed in Claim 15. For the above reasons, Appellants respectfully submit that Claim 15 is non-obvious based on Povilus in view of Foster and further in view of Carroll; therefore, the rejection of Claim 15 is in error and should be reversed.

In addition, Claim 6 depends from Claim 1 and is thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the reasons advanced for Claim 1; Claim 15 depends from Claim 8 and is thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the reasons advanced for Claim 8; and Claim 22 depends from Claim 18 and is thus respectfully submitted as being non-obvious based on for at least the reasons advanced for Claim 18. Appellants respectfully submit that Carroll does not teach or suggest the data structures in Claims 1 and 8, and the system in Claim 18; and at least for all the

reasons given above, Claims 1, 8, and 18 are non-obvious based on Povilus in view of Foster and further in view of Carroll. Therefore, it is respectfully submitted that Claims 6, 15, and 22 are non-obvious based on Povilus in view of Foster and further in view of Carroll for the same reasons given above for Claims 1, 8, and 18 respectively; and the rejection of Claims 6, 15, and 22 should be reversed for these additional reasons.

C. The Rejection of Claims 7, 16, 17, and 23 under 35 U.S.C. § 103(a) as Being Obvious based on Povilus in view of Foster and further in view of Beelitz Should Be REVERSED.

The Examiner rejected Claims 7, 16, 17 and 23 under 35 U.S.C. § 103(a) as being obvious based on Povilus in view of Foster, and further in view of Beelitz. The Examiner stated that Povilus and Foster in combination do not disclose, but that Beelitz discloses the possible compatibility table as claimed in these claims, stating "[h]owever, Beelitz discloses a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model (Beelitz: abstract, lines 2-17 and column 18, lines 17-30)." (final Office Action, page 8).

The Examiner also responded to arguments in Appellants' prior response, by stating that Beelitz sets forth the limitation of providing a user the choice of operating systems to use while performing data operations [Beelitz: abstract and column 18, lines 17-30]. As a result, the combination of Povilus, Foster, and Beelitz appears to disclose each and every element of the Applicant's claimed invention. (final Office Action, page 17). Appellants respectfully submit that, the contention that Beelitz sets forth providing a use a choice of operating system and that this is enough to combine with the other references to teach the limitations of Claims 7, 16, 17 and 23 to render them obvious, is in error.

Appellants respectfully submit that, although Beelitz discloses a list of operating systems (Abstract) and a list of software programs (Col. 18, lines 17-30) from which a user can make a selection, Beelitz, either singly or in any theoretical combination with the other references, does not teach or suggest a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model, as

claimed in these claims. That is, Appellants respectfully submit that there is no teaching or suggestion in Beelitz of "platforms that are <u>selectable during input and storage of product data</u>", as claimed in Claim 7. Appellants respectfully submit that Povilus, Foster, and Beelitz, either singly or in any theoretical combination, do not teach or suggest possible compatibility table including one or more selectable platforms that are <u>selectable during input and storage of product data</u>, as claimed in Claim 7. Appellants respectfully submit that Claim 7 is non-obvious based on Povilus in view of Foster and further in view of Beelitz; and, therefore, the rejection of Claim 7 should be reversed.

The Examiner rejected Claim 23 for the same reasons set forth in the rejection of Claim 7. Claim 23 is a system claim generally corresponding to Claim 7; thus, Appellants respectfully submit that the rejection of Claim 23 should be reversed for at least the same reasons as given above for Claim 7.

The Examiner stated that "Claims 16, 17, and 23 is rejected under the same reasons set forth in the rejection of claim 7." (final Office Action, page 9). Regarding Claim 17, it recites "[t]he data structure as recited in claim 8, further including: <u>a product compatibility table</u> including platform compatibility information associated with each product classified and stored in the database according to the data model." In the rejection, the Examiner stated that "Beelitz discloses a <u>possible</u> compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model (Beelitz: abstract, lines 2-17 and column 18, lines 17-30)." (final Office Action, page 8). (Emphasis added). However, Appellants respectfully submit that Claim 17 includes <u>a product</u> compatibility table for which the Examiner failed to set forth teaching in any of the references. Further, the <u>product compatibility table</u> in Claim 17 includes platform compatibility information associated with each product classified and stored in the database according to the data model. Appellants respectfully submit that there is no teaching or suggestion in Beelitz, Povilus, or Foster, either singly or in any theoretical combination, of such a <u>product compatibility table</u> in Claim 17 includes platform compatibility information<u> associated with each product classified and stored in the database according to the data model</u>, as claimed in Claim 17; and therefore, the rejection of Claim 17 should be reversed for at least this reason.

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Further regarding Claim 16, this claim includes a "related products table" that "indicates one or more related products associated with each of the plurality of products classified and stored in the database according to the data model". Appellants respectfully submit that there is no teaching or suggestion in Beelitz, Povilus, or Foster, either singly or in any theoretical combination, of such a related products table in Claim 16, and of a related products table that indicates one or more related products associated with each of the plurality of products classified and stored in the database according to the data model", as claimed in Claim 16. Appellants respectfully submit that the Examiner's recitation of Beelitz as disclosing a possible compatibility table (final Office Action, page 8) and that "... Beelitz sets forth the limitation of providing a user the choice of operating systems to use while performing data operations [Beelitz: abstract and column 18, lines 17-30]" (final Office Action, page 17) fails to set forth the requisite teaching or suggest of the related products table, in Claim 16. Appellants respectfully submit that it appears the final Office Action reveals an apparent mistaken assumption that Claim 16 included the product compatibility table that is included in Claim 17, and thus ignored that Claim 16 recites a related products table instead. Therefore, for the above reasons, Appellants respectfully submit that the Examiner has failed to set forth teaching regarding the "related products table" elements in Claim 16; so a prima facie case of obviousness for Claim 16 has not been made.

Further, Appellants respectfully submit that, Povilus, Foster, and Beelitz, either singly or in any theoretical combination, do not teach or suggest a related products table that indicates one or more related products associated with each of the plurality of products classified and stored in the database according to the data model, as claimed in Claim 16. For at least all of the above reasons, Appellants respectfully submit that Claim 16 is non-obvious based on Povilus in view of Foster, and further in view of Beelitz; and thus the rejection of Claim 16 is in error.

In addition, Claim 7 depends from Claim 1 and is thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the reasons advanced for Claim 1; Claims 16 and 17 depend from Claim 8 and is thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the reasons advanced for Claim 8; and Claim 23 depends from Claim 18 and is thus respectfully submitted as being non-obvious based on for at least the reasons advanced for Claim 18. Appellants respectfully submit that Beelitz does not
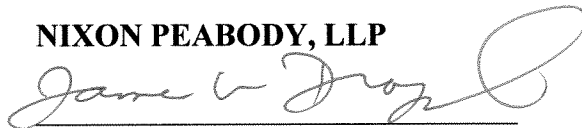
teach or suggest the data structures in Claims 1 and 8, and the system in Claim 18; and at least for all the reasons given above, Claims 1, 8, and 18 are non-obvious based on Povilus in view of Foster and further in view of Beelitz. Therefore, Appellants respectfully submit that Claims 7, 16, 17, and 23 are non-obvious based on Povilus in view of Foster and further in view of Beelitz for the same reasons given above for Claims 1, 8, and 18 respectively; and the rejection of Claims 7, 16, 17, and 23 should be reversed for these additional reasons.

Conclusion

For at least all of the reasons discussed above, Appellants respectfully submit that all pending claims, Claims 1-9 and 11-24 are allowable. Accordingly, Appellants respectfully request this Honorable Board to reverse the rejections of Claims 1-9 and 11-24.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

The following is a complete list of all claims in this application.

1. (Previously presented) A data structure of a database for use in capturing product data by inputting and storing the product data in the database, the data structure of the database being based on a data model having one or more classes, wherein each of the classes has one or more associated categories, the data structure being embodied in a computer readable medium and comprising:

at least one class definition, each class definition being arranged to identify one or more associated categories of products;

a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category;

a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category; and

a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model;

wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model.

2. (Previously presented) The data structure as recited in claim 1, further including a plurality of possible unit lists, each possible unit list being arranged to identify units that are selectable during input and storage of product data as a unit for an attribute of the product being classified and stored in the database according to the data model.

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3. (Previously presented) The data structure as recited in claim 2, wherein each one of the values in the possible value list is combined with each one of the units in an associated possible unit list for one of the attributes to create a possible value-unit combination, and wherein each possible value-unit combination is normalized.

4. (Previously presented) The data structure as recited in claim 1, wherein each attribute is associated with a multi-value indicator that indicates that more than one of the values in the associated possible value list are selectable during input and storage of product data as values for the associated attribute for the product being classified and stored in the database according to the data model when the multi-value indicator is in a predefined state.

5. (Previously presented) The data structure as recited in claim 1, wherein each of the attributes is associated with a data capture priority indicator that assigns priorities to at least some of the one or more attributes for capture of product data for the attributes in accordance with the assigned priorities.

6. (Previously presented) The data structure as recited in claim 1, further including:
a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale.

7. (Previously presented) The data structure as recited in claim 1, further including:
a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model.

8. (Previously presented) A data structure suitable for use in capturing product data by inputting and storing the product data for a plurality of products, the product data being suitable for use in an electronic catalog, the products being classified according to a data model having one or more classes, wherein each of the classes is arranged to identify one or more associated

categories of products and each of the categories is arranged to identify an associated attribute group having one or more attributes for a product category, each attribute having an associated possible value list for facilitating input and storing of product data into the database, each value list having a plurality of predetermined values that are selectable during input and storage of product data as a value for the associated attribute of a product classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model, the data structure being embodied in a computer readable medium and comprising:

a plurality of system SKUs, each system SKU being arranged to identify one of the plurality of products;

a plurality of manufacturer SKUs, each manufacturer SKU being associated with one of the plurality of system SKUs;

an attribute table in which selected attributes for each of the products are stored, each of the selected attributes being identified by the system SKU corresponding to the product being classified and stored in the database according to the data model and having at least one of the values from the associated possible value list; and

a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, the customer being a retailer, reseller, manufacturer, or distributor that has requested the product data.

9. (Previously presented) The data structure as recited in claim 8, wherein each attribute has an associated possible unit list that identifies units that are selectable during input and storage of product data as a units for an attribute of a product being classified and stored in the database according to the data model, wherein at least some of the selected attributes in the attribute table have units in the associated possible unit list, wherein each attribute value and associated unit is normalized.

10. (Canceled)

11. (Previously presented) The data structure as recited in claim 8, further including:

a category identifier associated with each one of the plurality of products classified and stored in the database according to the data model, the category identifier being arranged to identify the category associated with the corresponding product.

12. (Previously presented) The data structure as recited in claim 8, further including:

a manufacturer product description associated with each one of the plurality of products classified and stored in the database according to the data model, the manufacturer product description describing standard features of the associated product.

13. (Previously presented) The data structure as recited in claim 8, further including:

an image table including a link to one or more images illustrating the plurality of products classified and stored in the database according to the data model.

14. (Previously presented) The data structure as recited in claim 8, further including:

a marketing description for the plurality of products classified and stored in the database according to the data model.

15. (Previously presented) The data structure as recited in claim 8, further including:

a country table specifying one or more countries for which each product classified and stored in the database according to the data model is adapted for sale.

16. (Previously presented) The data structure as recited in claim 8, further including:

a related products table that indicates one or more related products associated with each of the plurality of products classified and stored in the database according to the data model.

17. (Previously presented) The data structure as recited in claim 8, further including:

a product compatibility table including platform compatibility information associated with each product classified and stored in the database according to the data model.

18. (Previously presented) A system for capturing product data for an electronic product catalog comprising:

a database for input and storage of product data, the database being embodied in a computer readable medium and having a data structure based on a data model having one or more classes, each of the classes having one or more associated categories, the data structure including:

at least one class definition, each class definition being arranged to identify one or more associated categories of products;

a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category;

a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category; and

a data capture tool with a use interface for allowing input and storage of product data into the database, the data capture tool including a plurality of possible value lists for facilitating input and storing of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data;

wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database.

19. (Previously presented) The system of claim 18, wherein the data capture tool further includes a plurality of possible unit lists, each possible unit list being arranged to identify units that are selectable during input and storage of product data as a unit for an attribute of the product being classified and stored in the database.

20. (Previously presented) The system of claim 18, wherein each attribute is associated with a multi-value indicator that indicates that more than one of the values in the associated possible value list are selectable during input and storage of product data as values for the associated attribute for the product being classified and stored in the database when the multi-value indicator is in a predefined state.

21. (Previously presented) The system of claim 18, wherein each of the attributes is associated with a data capture priority indicator that assigns priorities to at least some of the one or more attributes for capture of product data for the attributes in accordance with the assigned priorities.

22. (Previously presented) The system of claim 18, further including a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database is adapted for sale.

23. (Previously presented) The system of claim 18, further including a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database.

24. (Previously presented) The system of claim 18, further including:

a plurality of system SKUs, each system SKU being arranged to identify one of the plurality of products;

a plurality of manufacturer SKUs, each manufacturer SKU being associated with one of the plurality of system SKUs;

an attribute table in which selected attributes for each of the products are stored, each of the selected attributes being identified by the system SKU corresponding to the product being classified and stored in the database according to the data model and having at least one of the values from the associated possible value list; and

a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, the customer being a retailer, reseller, manufacturer, or distributor that has requested the product data.

IX.   EVIDENCE APPENDIX

There is no additional evidence relied upon in this brief.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences.